

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING (JAMES MCLAUGHLIN, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 10-27-03 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING (JAMES MCLAUGHLIN, APPLICANT); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR A PROPOSED ACCESSORY BUILDING (JAMES MCLAUGHLIN, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 5 – Commissioner McLain)

(Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANT: JAMES MCLAUGHLIN LOCATION: 2765 RICHMOND AVENUE ZONING: A-1 (AGRICULTURE DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT AN 880 SF (44FT X 20FT) DETACHED GARAGE THAT WOULD ENCROACH 20 FEET INTO THE MINIMUM REAR YARD SETBACK. • ACCESS TO THE GARAGE WOULD BE PROVIDED BY AN EXISTING DRIVEWAY FROM A PRIVATE EASEMENT ABUTTING THE SOUTH PROPERTY LINE; NO ACCESS WOULD BE PROVIDED FROM RICHMOND AVENUE.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE REQUEST IS NOT THE MINIMUM VARIANCE THAT WOULD ENSURE REASONABLE USE OF THE PROPERTY. THE APPLICANT HAS THE ABILITY TO LOCATE THE PROPOSED STRUCTURE IN THE REAR YARD WITHOUT ENCROACHMENT INTO THE MINIMUM SETBACK.

	<ul style="list-style-type: none">• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER LANDS A-1 DISTRICT BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK THAT EXCEEDS THE LIMITS OF NEIGHBORHOOD DEVELOPMENT TRENDS.• THEREFORE, THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.
STAFF RECOMMENDATION	<p>STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ACCESSORY BUILDING AS DEPICTED ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

RICHMOND — JENNIFER

18 1971 34103 JAN

150'

10 MAY 1962

29

Septic Tank

53.

310

K. Blain Kitcher
KITCHER SURVIVING, INC.
R. BLAIN KITCHER - P.O.S. NO. 3387
P.O. Box 823, Sanford, Florida 32777-0823
(407) 322-2000
SUPPLY DATE: 17 March 1993

310

• MICHIGAN BORN (1871-1941)

 $\beta' = 30^\circ$

14

we!

36
CONCRETE
FOUNDATION

30.

5

May

Propose
Building
Part

10.	DOG PEH
-----	------------

[illegible]

15

PROPOSE
BUILDING
Part

1

LEGAL DESCRIPTION
LEG H 150 FT OF W 310 FT OF LOT 5 BLK F
BROWNS SUBD. OF BECK HAMMOCK
PB 1 PG 83

JAMES & HANCY McLAUGHLIN
2765 RICHMOND AV.

SCALE 19 VOTED

PROJ. NO. 93-117

**VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: James McLaughlin
COMPLETE MAILING ADDRESS: 2765 Richmond Av. Sanford FL 32773
PHONE: WORK: _____ HOME: 407-321-7847 FAX: _____
CELL PHONE: 407-948-6328 Email: JJNM@Aol.com
PROPERTY OWNER OF RECORD: James McLaughlin
SITE OF REQUEST: 2765 Richmond Av.
STATEMENT OF HARDSHIP: Line up Driveway with Carport
Line up New Carport with old Driveway
REQUEST: Change^{Rear} set Back from 30 feet to 10 feet
880 Accessory Building (44x20)
LEGAL DESCRIPTION OF PROPERTY: Leg N 150 ft. of W 310 ft. of
Lot 5 B/K F Browns SubD. of Beck Hammock
TAX PARCEL ID NO. 03-20-31-501-0F00-005A
KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: _____

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: James McLaughlin DATE: 9-12-2003

FOR OFFICE USE ONLY			
FEE: _____	CK# _____	RECEIPT# _____	DATE _____ ZONING DISTRICT: <u>A1</u>
FURTHER DESCRIBED AS: _____		LOT SIZE: _____	
PROCESSING:			
A. LEGAL AD TO NEWSPAPER _____		B. NOTICE TO PROPERTY OWNERS _____	
C. PLACARDS / NOTICE _____		D. PROJECT NO. <u>03-30000155</u>	
E. BOARD ACTION / DATE _____		F. LETTER TO APPLICANT _____	
G. PUD SETBACKS _____			

INITIAL CONFERENCE _____

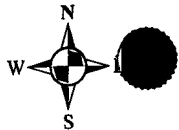
BCC DISTRICT _____

PLANNER _____

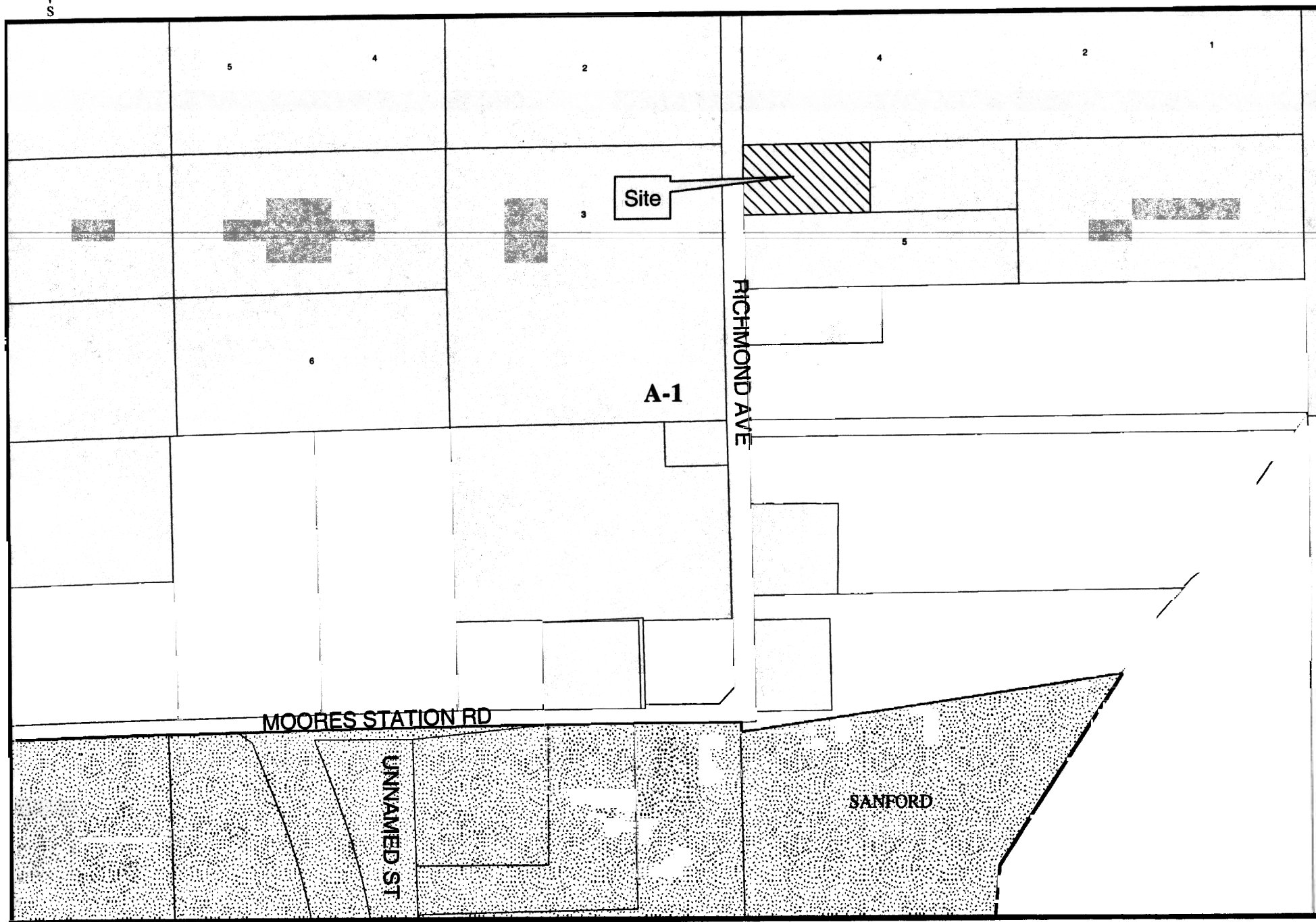
FILE NO. BY 2003-152

* confirm access to garage

MEETING DATE _____



James McLaughlin
2765 Richmond Avenue



0 150 300 600 Feet

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot N 150 FT of W 310 FT of Lot 5 (Less W 10 FT for RD) BLK F Browns
SUBD of Beck Hammock PB 1 PG 83

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: JAMES MCLAUGHLIN
2765 RICHMOND AVENUE
SANFORD, FL 32773

Requested Development Approval:

1. Rear yard setback variance from 30 feet to 10 feet for an accessory building.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The variance granted will apply only to the accessory building as shown on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: